

REMARKS

Examiner Brittain's examination, selection of references, and comments, are appreciated.

Claims 1 through 20 are pending in the application.

Claims 9 through 16 are withdrawn from consideration.

Claims 1-8 and 17-20 are rejected. Specifically, the Examiner is rejecting claims 1, 3, 8, 17 and 18 under U.S.C. § 102(b) as being anticipated by Pommier `589.

Claims 2 and 19 are rejected under U.S.C. § 103(a) as being unpatentable over Pommier `589 in view of Gwinn `724.

Claims 4-6 and 20 are rejected under U.S.C. § 103(a) as being unpatentable over Pommier `589 in view of Carr `637.

Claim 7 is rejected under U.S.C. § 103(a) as being unpatentable over Pommier `589 in view of Fenton `292.

The applicant acknowledges and affirms the election without traverse of Group I in the telephone interview, with the examiner, completed in response to the office action mailed 11/26/04, and noted in examiner's office action mailed 12/15/04.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 9 through 16 in a divisional application.

1 Regarding the Specification:

2 The applicant has amended the Abstract by replacing the
3 language "comprising channeling means" with "comprises a
4 passage"

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6 Regarding the Claims:

7 Claim 1 is amended to include the limitations of claims
8 2 and 3. Claims 2 and 3 are canceled. Claim 4 remains
9 unchanged and depends from claim 1. Claim 6 is canceled.
10 Claims 7 and 8 remain unchanged as both depend from claim 1.

11 Claims 9 through 16 are withdrawn as noted above.
12 Claims 17 through 20 are canceled.

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14 Regarding the cited prior art:

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16 Claim 1, as now amended includes the novel feature of
17 having means for channeling debris, wherein the channeling
18 means comprises a passage that extends through both the stud
19 member as well as the socket member. In this way, depending
20 on the orientation of the user, and therefore the
21 orientation of the fastener, debris can be channeled away
22 from the fastener, via gravity, either through the stud
23 member or alternatively through the socket member.

1 The Examiner based a 102(b) rejection on the unamended
2 original set of claims in light of Pommier (US 5,758,589).
3 The claims as amended, however, include features that no
4 other single reference discloses. Accordingly, the
5 following will address issues extending from a rejection
6 based on 103(a).

7 Not one other reference discloses a like fastener
8 having a channeling means that extends through both the stud
9 member and well as the socket member. Although Pommier
10 discloses a socket member having a passage, the stud member
11 is constructed so that debris is trapped therein.

12 The Examiner points to the reference of Gwinn (702,724)
13 as disclosing the feature of a stud member having "a channel
14 extending through the stud member in a similar fashion to
15 the channel extending through the socket member of Pommier
16 so as to inherently permit the passage of debris."

17 Applicant submits, however, that there is nothing in
18 the Gwinn reference to suggest the combination, either
19 expressly or implied, with Pommier. In fact, the applicant
20 submits that the Gwinn reference teaches away from such a
21 combination because the stud member disclosed in Guinn is
22 constructed from a metal that is bent, shaped and deformed
23 to arrive at its final shape. In contrast, it would be
24 nearly impossible to similarly deform and reshape
25 applicant's stud portion of the fastener because of the
26 resilient type of material employed in its manufacture.

1 Accordingly, one skilled in the art would not likely turn to
2 Gwinn for any insight to the improvement of a snap type
3 fastener as disclosed in applicant's design.

4 Additionally, the Examiner points to Fenton
5 (US 3,169,292) as disclosing a counter bore that extends
6 through the socket member, and to Carr (US 1,524,637) as
7 disclosing a stud member that includes a compression slot.
8 As noted above, the claims have been amended so that these
9 features arise in claims dependent from claim 1 which should
10 now be allowable. Even so, the combination of Fenton, as
11 well as Carr should not be made for the following reasons.

12 First, the snap fastener construction disclosed in
13 Fenton is such that the base of both the stud member and the
14 socket member is "fused" to its corresponding material so
15 that no channel exists in any form. It would seem unlikely
16 that one skilled in the art would turn to this reference.
17 Likewise, in Carr '637, the construction is similar to
18 Gwinn in its metal deformation to achieve its final state.

19 Finally, the Examiner points to the additional
20 references including Anscher (US 5,604,958) fig. 7, Daddona,
21 (US 3,545,048) fig. 1, Fildan (US 6,793,556) figs. 1-10,
22 Cousins (US 4,183,121) figs. 8-10 and Lauro (US 3,426,400)
23 fig. 1, as teaching pertinent fastener structures.
24 However, as explained above, none of these references
25 discloses a snap type fastener that incorporates a

1 channeling means that extends through the stud member as
2 well as the socket member.

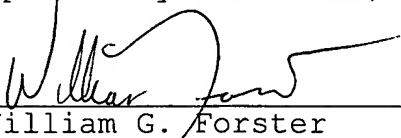
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4 Request for Reconsideration:

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6 The Applicant respectfully requests the Examiner's
7 reconsideration of his invention as now claimed. In view of
8 the foregoing amendment and remarks, the application should
9 now be in condition for allowance. Accordingly, Applicant
10 respectfully requests that a timely Notice of Allowance be
11 issued in this case.

12
13 Should any questions remain, the Examiner is requested to
14 call the undersigned.

15
16 Dated: June 14, 2005

17
18 Respectfully submitted,

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20 by 
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23 Enclosures:
24 -transmittal letter
25 -return postcard
-Amendment

26 cc: Logan D. Coffey
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